

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-23 are currently pending. Claims 1-3, 8, 11-15, 17-19, 21, and 22 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

The amended claims are supported by the originally filed specification at least at paragraphs [0041] and [0046].

In the outstanding Office Action, Claims 1-5, 8-12, and 16-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by EP Patent Application Publication No. 1102443 to Okuyama et al. (hereinafter “the ‘443 application”); and Claims 6, 7, 13, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘443 application in view of U.S. Patent No. 6,654,786 to Fox et al. (hereinafter “the ‘786 patent”).

Amended Claim 1 is directed to a relay device, comprising: (1) connection detection means for detecting that a client terminal is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection; (2) information transmission means for transmitting undelivered information to the client terminal; and (3) notification transmission means for transmitting, to an information transmission device, results from the connection detection means including information that the client terminal is in the communicable state with the network.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the ‘443 application is directed to a character message communication system and method. In particular, the ‘443 application discloses a system for sending and receiving text messages with mobile terminals such as mobile phones and PCs in real time according to the utilization status of dynamically-

changing information terminals.¹ For example, the '443 application discloses that when a server 1 receives a text message addressed to any of the users, a decision part 10 refers to the operational status of a PC client of the relevant user and determines a send mode which can receive the text message in real time. The '433 application discloses that at this time, if an Internet application is active on the PC client of the relevant user, the decision part 10 determines that the text message is sent with the Internet application. The '433 application further discloses that if a PC client of the relevant user does not exist, is not connected to the Internet, or is not used, the mobile phone of the relevant user is determined as the destination of the text message.²

However, it is respectfully submitted that the '433 application fails to disclose a relay device comprising information transmission means for transmitting undelivered information to the client terminal; and notification transmission means for transmitting, to an information transmission device, results from the connection detection means including information that the client terminal is in the communicable state with the network. Rather, the '433 application discloses a text messaging system that consists of the server 1 connected to Internet 2 and mobile communication network 4, multiple PC clients 3, and multiple mobiles phones 5A, 5B, etc. on the mobile communication network 4.³ Further, the '443 application discloses that the server 1 has a text message send part 6, text message receive part 7, status administration part 8, status storage part 9, decision part 10, notification management part 11, message storage part 12, receive part 13, send part 14, and radio status detection part 15.⁴ The '433 application does not disclose notification transmission means for transmitting, to an information transmission device, results from the connection detection

¹ See '443 application, paragraph [0013].

² Id. at paragraph [0064].

³ Id. at paragraph [0058].

⁴ Id. at paragraph [0059].

means including information that the client terminal is in the communicable state with the network.

Accordingly, it is respectfully submitted that the rejection of independent Claim 1 (and all associated dependent claims) is rendered moot by the present amendment to Claim 1.

Amended Claim 8 is directed to an information transmission device, comprising: (1) notification reception means for receiving a notification, transmitted from a relay device, concerning detection of a client terminal that is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection; and (2) information transmission means for transmitting undelivered information to the client terminal, provided that the notification reception means receives the notification, and for transmitting the undelivered information to the relay device if a transmission of the undelivered information, to the client terminal, is not received by the client terminal.

Regarding the rejection of Claim 8 under 35 U.S.C. § 102(e), as discussed above, the '433 application is directed to a character message communication system and method. However, it is respectfully submitted that the '433 application fails to disclose a notification transmission device, comprising notification reception means for receiving a notification, transmitted from a relay device, concerning detection of a client terminal that is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection, and information transmission means for transmitting the undelivered information to the relay device if a transmission of the undelivered information, to the client terminal, is not received by the client terminal.

Rather, as discussed above, the '433 application discloses a text messaging system that consists of the server 1 connected to Internet 2 and mobile communication network 4,

multiple PC clients 3, and multiple mobiles phones 5A, 5B, etc. on the mobile communication network 4.⁵ Further, the '443 application discloses that the server 1 has a text message send part 6, text message receive part 7, status administration part 8, status storage part 9, decision part 10, notification management part 11, message storage part 12, receive part 13, send part 14, and radio status detection part 15.⁶ The '433 application does not disclose notification reception means for receiving a notification, **transmitted from a relay device, concerning detection of a client terminal that is in a communicable state with a network**, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection.

Further, as discussed above, the '443 application discloses that when a server 1 receives a text message addressed to any of the users, a decision part 10 refers to the operational status of a PC client of the relevant user and determines a send mode which can receive the text message in real time. The '433 application discloses that at this time, if an Internet application is active on the PC client of the relevant user, the decision part 10 determines that the text message is sent with the Internet application. The '433 application further discloses that if a PC client of the relevant user does not exist, is not connected to the Internet, or is not used, the mobile phone of the relevant user is determined as the destination of the text message.⁷ The '443 application does not disclose information transmission means for **transmitting the undelivered information to the relay device** if a transmission of the undelivered information, to the client terminal, is not received by the client terminal.

Accordingly, it is respectfully submitted that the rejection of independent Claim 8 (and all associated dependent claims) is rendered moot by the present amendment to Claim 8.

Amended Claim 11, recites in part, detecting, by use of a relay device including connection detection means, that a client terminal is in a communicable state with a network,

⁵ See '443 application, paragraph [0058].

⁶ Id. at paragraph [0059].

⁷ Id. at paragraph [0064].

when the client terminal connects to another information transmission device through the network and uses a service provided through the connection; and transmitting, to an information transmission device, results from the connection detection means including information that the client terminal is in the communicable state with the network.

As noted above, the '443 application fails to disclose the notification transmission means recited in Claim 1. Thus, the '443 application fails to disclose the method of Claim 11. Accordingly, it is respectfully submitted that the rejection of independent Claim 11 (and all associated dependent claims) is rendered moot by the present amendment to Claim 11.

Amended Claim 17, recites in part, an information transmission unit configured to transmit undelivered information to the client terminal; and a notification transmission unit configured to transmit, to an information transmission device, results from the connection detection unit including information that the client terminal is in the communicable state with the network.

As noted above, the '443 application fails to disclose the notification transmission means recited in Claim 1. Thus, the '443 application fails to disclose the relay device of Claim 17. Accordingly, it is respectfully submitted that the rejection of independent Claim 17 (and all associated dependent claims) is rendered moot by the present amendment to Claim 17.

Amended Claim 18, recites in part, a notification reception unit configured to receive a notification, transmitted from a relay device, concerning detection of a client terminal that is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection; and an information transmission unit configured to transmit undelivered information to the client terminal, provided that the notification reception unit receives the

notification, and transmit the undelivered information to the relay device if a transmission of the undelivered information, to the client terminal, is not received by the client terminal

As noted above, the '443 application fails to disclose the notification reception means and information transmission means recited in Claim 8. Thus, the '443 application fails to disclose the information transmission device of Claim 18. Accordingly, it is respectfully submitted that the rejection of independent Claim 18 (and all associated dependent claims) is rendered moot by the present amendment to Claim 18

Regarding the rejections of dependent Claims 6, 7, and 13-15 under 35 U.S.C. § 103(a), it is respectfully submitted that the '786 patent fails to remedy the deficiencies of the '443 application, as discussed above. Accordingly, it is respectfully submitted that the rejections of dependent Claims 6, 7, and 13-15 are rendered moot by the present amendments to the independent claims.

Further, it is respectfully submitted that the arguments presented in the Amendment dated October 1, 2007, discussed below, with respect to dependent Claims 6 and 14, are not rendered moot in view of the new grounds of rejection, as asserted by the outstanding Office Action. Rather, it is noted that the same reference, *i.e.*, the '786 patent, was applied in the rejection of Claims 6 and 14 in both the outstanding Office Action and the Office Action dated May 31, 2007.

With respect to dependent Claims 6 and 14, the Office Action acknowledges that the '443 application is silent as to the claimed information transmission means adds the selected undelivered information by changing the HTTP header of the other information transmitted to the client terminal, and transmits the selected undelivered information to the client terminal. Rather, the Office Action relies on the '786 patent for such a teaching.

The '786 patent is directed to a method and apparatus for informing wireless clients about updated information. However, it is respectfully submitted that the '786 patent fails to

disclose that the information transmission means adds the selected undelivered information by **changing the HTTP header** of the other information transmitted to the client terminal, and transmits the selected undelivered information to the client terminal. Rather, the '786 patent discloses that all push notifications, that are still pending, will immediately be delivered when a wireless client device contacts the proxy server.⁸ Moreover, assuming *arguendo* that the discussed update notification updates headers, as asserted by the Office Action, the headers would be updated to reflect the updated content, not to add selected undelivered information by changing the HTTP header of other information transmitted to the client terminal.

Accordingly, it is respectfully submitted that dependent Claims 6 and 14 patentably define over any proper combination of the '443 application and the '786 patent.

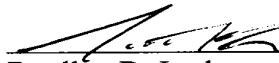
Thus, it is respectfully submitted that independent Claims 1, 8, 11, 17, and 18 (and all associated dependent claims) patentably define over any proper combination of the '359 publication and '786 patent.

⁸ See '786 patent, column 13, lines 1-5.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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